

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALFOUSSEINY KELLY,
Plaintiff,

v.

MARCHE MOVENPICK, RICHTREE
U.S.A., IGOR REICHERT, HOLGER
MAMMEN, LIZA KASTROM,
MARTINE THOMAS, ELIE
GHORAYEB,
Defendants.

Civil Action No. 04-12028

**FINAL ASSENTED TO MOTION TO
EXTEND TIME TO ANSWER**

Now comes Defendant Richtree, USA, Inc., with the assent of Plaintiff, and hereby requests one final 14 day extension of time within which to answer, up to and including Wednesday, December 8, 2004. As grounds for this motion, Defendant states as follows:

1. The parties, through counsel, had been attempting to discuss an early resolution of this matter without the need for further court proceedings. Plaintiff, however, has had a recent change of heart regarding the prospects for an early resolution. Accordingly, counsel for Plaintiff informed counsel for Defendant on Tuesday November 23 that settlement discussions would not proceed further at this time.

2. Due to recent financial events, including the closure of the Richtree, USA Marche Movenpick Boston restaurant, Defendant needs additional time within which to evaluate its current position and prepare its approach to the defense of this litigation.

3. Defendant is not making this motion solely for purposes of further delay and Plaintiff has assented to this motion.

WHEREFORE, Defendant Richtree, USA, Inc. respectfully requests that the time within which it shall have to file an answer or other responsive pleading be extended for one final 14 day period, up to and including Wednesday, December 8, 2004.

Respectfully submitted,

RICHTREE MARKETS BOSTON, LLC AND
RICHTREE U.S. INC.,
By their attorneys,

/s/ Andrew C. Pickett

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ASSENTED TO:

/s/ Robert M. Warren

Robert M. Warren
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Date: November 23, 2004